IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 454 of 1987

For Approval and Signature:

Hon'ble MR.JUSTICE RAVI R.TRIPATHI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

N B NAIK HEAD CLERK

Versus

DISTRICT DEVELOPMENT OFFICER

Appearance:

1. Special Civil Application No. 454 of 1987
(MR PB MAJMUDAR) for Petitioner No. 1
NOTICE SERVED for Petitioner No. 1
MR ND GOHIL, AGP, for Respondent No. 1
MR DC DAVE for Respondent No. 1
RULE SERVED for Respondent No. 2

CORAM : MR.JUSTICE RAVI R.TRIPATHI

Date of decision: 22/10/2001

ORAL JUDGEMENT

The present petition is filed challenging the order passed by the Gujarat Civil Services Tribunal, Gandhinagar, in Appeal No.260 of 1985, copy of which is produced at Annexure-B to the petition, whereby the appeal was dismissed on 3.6.1986. The petitioner has prayed for further relief to the effect that the respondents be directed to give promotion to the post of Office Superintendent in the Health Branch.

2 This court issued notice on 20.10.1999, which is served upon the petitioner on 1.11.1999, as is revealed by the record.

3 The case of the petitioner is that he was appointed on the post of Junior Clerk in the Health Branch of District Panchayat, Valsad, in the year 1965. Thereafter he was appointed in the same Branch as Head Karkoon/Clerk. The case of the petitioner is that he is an employee of the Health Branch of the District Panchayat. That by an order dated 22.3.1982 the petitioner was posted on the post of Head Clerk in the Irrigation Department of the District Panchayat. According to the petitioner as the relevant rules provided for branch-wise seniority, the petitioner could have been posted as head clerk only in the Health Branch. The petitioner informed the respondent no.1, that is, the District Development Officer, Valsad, by his letter dated 29.3.1982 that he belongs to Health Branch and he could be posted only as a Head Clerk in the Health Branch only. As per the say of the petitioner, the respondent no.1 has given assurance orally to the petitioner that needful will be done and without prejudice to his rights in the Health Branch, he had accepted the aforesaid promotion order and resumed his duty in the Irrigation Department. The petitioner being aggrieved of the appointment of respondent no.2 to the post of Office Superintendent in the Health Branch of the Panchayat under I.C.D.S. Project challenged the said action of the respondent no.1 by way of appeal before Gujarat Civil Services Tribunal. The Gujarat Civil Services Tribunal considering all contentions raised by the petitioner dismissed the said appeal of the aforesaid order dated 3.6.1986. It is against this order that the present petition is filed.

4 I have perused the judgement and order of the Gujarat Civil Service Tribunal, Gandhinagar, and find no case for the interference with the same. Hence, this petition is rejected. Rule is discharged with no order as to costs.

(Ravi R Tripathi, J.)

(mohd)

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